

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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GUCCI AMERICA, INC., BALENCIAGA
AMERICA, INC., BALENCIAGA S.A., BOTTEGA
VENETA INTERNATIONAL S.A.R.L.,
BOTTEGA VENETA INC., LUXURY GOODS
INTERNATIONAL (L.G.I.) S.A. and YVES SAINT
LAURENT AMERICA, INC.

Plaintiffs,

-against-

WEIXING LI a/k/a XIN LI, LIJUN XU a/k/a JACK
LONDON, TING XU a/k/a JACK LONDON a/k/a
XU TING a/k/a REBECCA XU, WENYING GUO,
XIAOCHAO SHANG, LEI XU, FENGYUAN
ZHAO, LIQUN ZHAO, MING ZHAO, and
PEIYUAN ZHAO, all doing business as
REDTAGPARTY, MYLUXURYBAGS.COM,
KUELALA.COM, XPRESSDESIGNERS.COM,
XPRESSDESIGNER.NET, and DESIGNER
HANDBAGS; ABC COMPANIES;
and JOHN DOES,

Defendants.
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2010 Civ. 4974 (RJS)

**ORDER PERMITTING
ALTERNATIVE SERVICE OF
PROCESS PURSUANT TO
FED. R. CIV. P. 4(f)(3)**

WHEREAS, on February 23, 2011, the Court granted Plaintiffs Gucci America, Inc., Balenciaga America, Inc., Balenciaga S.A., Bottega Veneta International S.A.R.L., Bottega Veneta Inc., Luxury Goods International (L.G.I.) S.A. and Yves Saint Laurent America, Inc. (collectively, "Plaintiffs") leave to amend their complaint to add new defendants Wenying Guo, Xiaochao Shang, Lei Xu, Fengyuan Zhao, Liqun Zhao, Ming Zhao and Peiyuan Zhao (the "New Defendants");

WHEREAS, on March 10, 2011, Plaintiffs filed their Second Amended Complaint;

WHEREAS, despite diligent efforts, Plaintiffs have been unable to discover any contact information for the New Defendants;

WHEREAS, on March 31, 2011, Plaintiffs moved this Court for leave to serve the Second Amended Complaint on the New Defendants by alternative means pursuant to Rule 4(f)(3) of the Federal Rules of Civil Procedure; and

WHEREAS, upon a full review of the papers filed by Plaintiffs in support of their motion, together with the exhibits thereto, as well as the papers and exhibits submitted by the Bank of China in opposition, plus all other prior pleadings and proceedings herein, the Court has concluded that the alternative means of service specified below are reasonably calculated, under the circumstances, to apprise interested parties of the pendency of the action and afford them an opportunity to present their objections;

IT IS HEREBY ORDERED that, pursuant to Rule 4(f)(3) of the Federal Rules of Civil Procedure, Plaintiffs' motion for alternative service is GRANTED, and service will be deemed effective if Plaintiffs serve the Second Amended Complaint and summons, together with a copy of this Order, on the New Defendants in the following manner:

- (i) Sending Adobe PDF copies of the summons and Second Amended Complaint, together with a copy of this Order and the preliminary injunction, upon Defendants Weixing Li, Lijun Xu, and Ting Xu by email at the addresses payment0925@yahoo.com and xpressdesigner@yahoo.com, with a cover letter requesting them either to forward the summons and Second Amended Complaint, together with a copy of this Order and the preliminary injunction, to the New

Defendants or provide Plaintiffs with the New Defendants' contact information within 21 days of service; and


- (ii) Sending Adobe PDF copies of the summons and Second Amended Complaint, together with a copy of this Order and the preliminary injunction, upon the New Defendants by email at the addresses payment0925@yahoo.com and xpressdesigner@yahoo.com; and
- (iii) Sending the summons and Second Amended Complaint, together with a copy of this Order and the preliminary injunction, by First Class U.S. Mail to Defendants Weixing Li, Lijun Xu, and Ting Xu at 8690 Aero Drive, Suite 115-231, San Diego, California 92123-1886, with a cover letter requesting them either to forward the summons and Second Amended Complaint, together with a copy of this Order and the preliminary injunction, to the New Defendants or provide Plaintiffs with the New Defendants' contact information within 21 days of service; and
- (iv) Sending the summons and Second Amended Complaint, together with a copy of this Order and the preliminary injunction, by First Class U.S. Mail to Defendant Ting Xu at her residence at 8823 Spectrum Center Boulevard, Apartment 2113, San Diego, California 92123, with a cover letter requesting that Defendant Ting Xu either forward the summons and Second Amended Complaint, together with a copy of this Order and the preliminary injunction, to the New Defendants or provide Plaintiffs with the New Defendants' contact information within 21 days of service;

- (v) Publication in the widely circulated newspaper *Beijing News* once a week for four consecutive weeks, which shall set forth all Defendants named in this action, the claims asserted by Plaintiffs against the Defendants, the amount of damages that Plaintiffs may seek, the deadline for the New Defendants to respond to the Second Amended Complaint, and the fact that a preliminary injunction is in effect in this action.¹

The Clerk of Court is respectfully directed to terminate the motion located at docket number 56.

SO ORDERED.

Dated: June 14, 2011
New York, New York



RICHARD J. SULLIVAN
UNITED STATES DISTRICT JUDGE

¹ Although Plaintiffs' letter of June 7, 2011 requests that the Court dispense with this requirement, which was originally proposed in Plaintiffs' March 31, 2011 motion, the Court concludes that such notice is necessary and appropriate to ensure that the New Defendants are apprised of this action.